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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 GIZACHEW WONDIE,

13 Defendant.  
14

No. CR 18-315 RAJ

ORDER DENYING MOTION TO  
MODIFY BOND

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16 Defendant appeared before the undersigned Magistrate Judge for a detention hearing on  
17 December 11, 2018. After a lengthy hearing, Mr. Wondie was released on a very close case,  
18 but was subject to home confinement, restricted to his residence at all times except for  
19 religious services, medical legal, or as otherwise approved the location monitoring specialist.”  
20 Dkt 11. Before the Court is defendant’s motion to modify the bond, permitting Mr. Wondie to  
21 attend college courses at South Central Community College. Defendant argues it is important  
22 to modify the bond so that he can engage in prosocial behavior.

23 The motion is opposed by the government. The defendant is charged with serious  
24 crimes of distribution and possession of a firearm in furtherance of a drug trafficking crime.  
25 The firearm seized was next to four loaded firearm magazines, including a 30-round extended  
26 capacity magazine. Moreover, the defendant had been associated with a firearm that was

1 allegedly stolen from him, and used in a subsequent homicide. The Court was reluctant to  
2 release the defendant, but believed the risk of danger could be met by releasing the defendant  
3 only under very stringent conditions. The Court specifically rejected a request to release the  
4 defendant for work purposes.


5 18 U.S.C. § 3142(c)(3) provides that the “judicial officer may at any time amend the  
6 order to impose additional or different conditions of release.” 18 U.S.C. § 3142(f) authorizes  
7 the court to reopen a detention hearing

8 before or after a determination by the judicial officer, at any time  
9 before trial if the judicial officer finds that information exists that  
10 was not known to the movant at the time of the hearing and that  
11 has a material bearing on the issue whether there are conditions of  
release that will reasonably assure the appearance of such person  
as required and the safety of any other person and the community.

12 Thus, the party moving to reopen must indicate (1) what the new information is, (2) the  
13 reason that it was not known to the movant at the time of the hearing, and (3) how the new  
14 information is material. J. Weinberg, *Federal Bail and Detention Handbook*, § 6.9 (PLI 2012).  
15 The judicial officer can either direct a response to the motion to reopen or can rule without a  
16 further response. *Id.*

17 Here, the proffered new evidence (education is prosocial) is neither new nor otherwise  
18 unavailable. The Court previously rejected a request to release the defendant to engage in  
19 work. No reasons are offered, and certainly none are readily apparent, as to why the defendant  
20 should not be released to go to work, but should be released to go to school. Moreover, and  
21 more importantly, even after considering the “new evidence,” the evidence as a whole  
22 continues to strongly support the fact that there are no conditions of combination of conditions  
23 that will assure the safety of the community Accordingly, the defendant’s motion to modify the  
24 bond previously set is DENIED.

1 DATED this 3rd day of January, 2019.

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4 JAMES P. DONOHUE  
5 United States Magistrate Judge  
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